

Exhibit 1

Long, Julia (x2878)

From: LoBiondo, George (x2008)
Sent: Thursday, December 5, 2024 5:41 PM
To: Ledden, Kate; Brill, Emma (x2272); ~klieb@sillscummis.com; ~mberman@hdrbb.com; Hellmann, Sarah
Cc: Sternberg, Jeremy M (BOS - X71476); Andrew.Solinger@hklaw.com; Robey-Phillips, Emily (BOS - X71466); Krithika.Rajkumar@hklaw.com; Smith, Chris; James.Lockett@hklaw.com; Schnarre, Alex; Ogletree, Christiana; ~Christine.Herrmann@huschblackwell.com; Barrios, Brittany; Missey, Cindy; Long, Julia (x2878); Suri, Saniya (x2226); ~jgreenbaum@sillscummis.com; Aine Carolan
Subject: RE: JJHCS/SaveOn - Motion to Seal ESI and Accredo Answers

Kate,

With respect, you have still not answered the question we posed. JJHCS is entitled to a direct response as to whether either Answer—which contains JJHCS's "Attorney's Eyes Only" information—was shared with ESI and/or Accredo, and if so, with whom.

Please provide a direct answer by the close of business tomorrow. If ESI and Accredo refuse or fail to do so, we intend to raise the issue with the Court.

Thanks,
George

From: Ledden, Kate <Kate.Ledden@huschblackwell.com>
Sent: Thursday, December 5, 2024 3:47 PM
To: LoBiondo, George (x2008) <globiondo@pbwt.com>; Brill, Emma (x2272) <ebrill@pbwt.com>; ~klieb@sillscummis.com <klieb@sillscummis.com>; ~mberman@hdrbb.com <mberman@hdrbb.com>; Hellmann, Sarah <Sarah.Hellmann@huschblackwell.com>
Cc: Sternberg, Jeremy M (BOS - X71476) <Jeremy.Sternberg@hklaw.com>; Andrew.Solinger@hklaw.com; Robey-Phillips, Emily (BOS - X71466) <Emily.Robey-Phillips@hklaw.com>; Krithika.Rajkumar@hklaw.com; Smith, Chris <Chris.Smith@huschblackwell.com>; James.Lockett@hklaw.com; Schnarre, Alex <Alex.Schnarre@huschblackwell.com>; Ogletree, Christiana <Christiana.Ogletree@huschblackwell.com>; ~Christine.Herrmann@huschblackwell.com <Christine.Herrmann@huschblackwell.com>; Barrios, Brittany <Brittany.Barrios@huschblackwell.com>; Missey, Cindy <Cindy.Missey@huschblackwell.com>; Long, Julia (x2878) <jlong@pbwt.com>; Suri, Saniya (x2226) <ssuri@pbwt.com>; ~jgreenbaum@sillscummis.com <jgreenbaum@sillscummis.com>; Aine Carolan <acarolan@selendygay.com>
Subject: RE: JJHCS/SaveOn - Motion to Seal ESI and Accredo Answers

External: Think before you click.

Hi George,

We acknowledge receipt of your email. We will again confirm that we are aware of our obligations under the protective order regarding documents marked with the AEO designation.

Thank you,

Kate Ledden 🗣️

(she/her/hers)

Senior Associate

Direct: 314-480-1719

Kate.Ledden@huschblackwell.com

From: LoBiondo, George (x2008) <globiondo@pbwt.com>

Sent: Wednesday, December 4, 2024 10:00 AM

To: Ledden, Kate <Kate.Ledden@huschblackwell.com>; Brill, Emma (x2272) <ebrill@pbwt.com>;
krieb@sillscummis.com <krieb@sillscummis.com>; mberman@hdrbb.com <mberman@hdrbb.com>; Hellmann, Sarah
<Sarah.Hellmann@huschblackwell.com>

Cc: Sternberg, Jeremy M (BOS - X71476) <Jeremy.Sternberg@hklaw.com>; Andrew.Solinger@hklaw.com; Robey-Phillips,
Emily (BOS - X71466) <Emily.Robey-Phillips@hklaw.com>; Krithika.Rajkumar@hklaw.com; Smith, Chris
<Chris.Smith@huschblackwell.com>; James.Lockett@hklaw.com; Schnarre, Alex <Alex.Schnarre@huschblackwell.com>;
Ogletree, Christiana <Christiana.Ogletree@huschblackwell.com>; Herrmann, Christine
<Christine.Herrmann@huschblackwell.com>; Barrios, Brittany <Brittany.Barrios@huschblackwell.com>; Missey, Cindy
<Cindy.Missey@huschblackwell.com>; Long, Julia (x2878) <jlong@pbwt.com>; Suri, Saniya (x2226) <ssuri@pbwt.com>;
jgreenbaum@sillscummis.com <jgreenbaum@sillscummis.com>; Aine Carolan <acarolan@selendygay.com>

Subject: RE: JJHCS/SaveOn - Motion to Seal ESI and Accredo Answers

[EXTERNAL EMAIL]

Kate, following up on this—we would appreciate a prompt response. Thanks again.

From: LoBiondo, George (x2008)

Sent: Monday, December 2, 2024 10:34 AM

To: 'Ledden, Kate' <Kate.Ledden@huschblackwell.com>; Brill, Emma (x2272) <ebrill@pbwt.com>;
krieb@sillscummis.com <krieb@sillscummis.com>; mberman@hdrbb.com <mberman@hdrbb.com>; Hellmann, Sarah
<Sarah.Hellmann@huschblackwell.com>

Cc: Sternberg, Jeremy M (BOS - X71476) <Jeremy.Sternberg@hklaw.com>; Andrew.Solinger@hklaw.com; Robey-Phillips,
Emily (BOS - X71466) <Emily.Robey-Phillips@hklaw.com>; Krithika.Rajkumar@hklaw.com; Smith, Chris
<Chris.Smith@huschblackwell.com>; James.Lockett@hklaw.com; Schnarre, Alex <Alex.Schnarre@huschblackwell.com>;
Ogletree, Christiana <Christiana.Ogletree@huschblackwell.com>; Christine.Herrmann@huschblackwell.com
<Christine.Herrmann@huschblackwell.com>; Barrios, Brittany <Brittany.Barrios@huschblackwell.com>; Missey, Cindy
<Cindy.Missey@huschblackwell.com>; Long, Julia (x2878) <jlong@pbwt.com>; Suri, Saniya (x2226) <ssuri@pbwt.com>;
jgreenbaum@sillscummis.com <jgreenbaum@sillscummis.com>; Aine Carolan <acarolan@selendygay.com>

Subject: RE: JJHCS/SaveOn - Motion to Seal ESI and Accredo Answers

Kate,

Thanks for your email. Can you please clarify what you mean in this sentence: "We are aware of various bases of this information and our obligations under the protective order regarding it." JJHCS is not aware of any source for the information in paragraph 131 that is not either designated Attorneys' Eyes Only (i.e., JJHCS_00156898) or under seal (i.e., SaveOnSP's answer). If you contend that this information is publicly available, please provide the basis for that position.

Otherwise, and for the avoidance of doubt, please confirm whether the information in paragraph 131 of ESI and Accredo's answers was shared with anyone at ESI and Accredo.

Thanks again,
George

From: Ledden, Kate <Kate.Ledden@huschblackwell.com>

Sent: Friday, November 29, 2024 4:35 PM

To: Brill, Emma (x2272) <ebrill@pbwt.com>; krieb@sillscummis.com <krieb@sillscummis.com>;
mberman@hdrbb.com <mberman@hdrbb.com>; Hellmann, Sarah <Sarah.Hellmann@huschblackwell.com>

Cc: Sternberg, Jeremy M (BOS - X71476) <Jeremy.Sternberg@hklaw.com>; Andrew.Solinger@hklaw.com; Robey-Phillips, Emily (BOS - X71466) <Emily.Robey-Phillips@hklaw.com>; Krithika.Rajkumar@hklaw.com; Smith, Chris <Chris.Smith@huschblackwell.com>; James.Lockett@hklaw.com; Schnarre, Alex <Alex.Schnarre@huschblackwell.com>; Ogletree, Christiana <Christiana.Ogletree@huschblackwell.com>; ~Christine.Herrmann@huschblackwell.com <Christine.Herrmann@huschblackwell.com>; Barrios, Brittany <Brittany.Barrios@huschblackwell.com>; Missey, Cindy <Cindy.Missey@huschblackwell.com>; LoBiondo, George (x2008) <globiondo@pbwt.com>; Long, Julia (x2878) <jlong@pbwt.com>; Suri, Saniya (x2226) <ssuri@pbwt.com>; ~jgreenbaum@sillscummis.com <jgreenbaum@sillscummis.com>; Aine Carolan <acarolan@selendygay.com>

Subject: RE: JJHCS/SaveOn - Motion to Seal ESI and Accredo Answers

External: Think before you click.

Hi Emma,

Thank you also for taking the time to speak earlier this week. As we indicated on the phone, we believe the public right to access the pleading outweighs J&J's privacy interest in the information cited in paragraph 131 of our affirmative defenses. We are aware of various bases of this information and our obligations under the protective order regarding it. As Mark noted, if we believe our calculus regarding sealing has changed after reading your brief, we will certainly let you know.

Thanks,

Kate Ledden 

(she/her/hers)

Senior Associate

Direct: 314-480-1719

Kate.Ledden@huschblackwell.com

From: Brill, Emma (x2272) <ebrill@pbwt.com>

Sent: Tuesday, November 26, 2024 3:11 PM

To: ~klieb@sillscummis.com <klieb@sillscummis.com>; Ledden, Kate <Kate.Ledden@huschblackwell.com>; ~mberman@hdrbb.com <mberman@hdrbb.com>; Hellmann, Sarah <Sarah.Hellmann@huschblackwell.com>

Cc: Sternberg, Jeremy M (BOS - X71476) <Jeremy.Sternberg@hklaw.com>; Andrew.Solinger@hklaw.com; Robey-Phillips, Emily (BOS - X71466) <Emily.Robey-Phillips@hklaw.com>; Krithika.Rajkumar@hklaw.com; Smith, Chris <Chris.Smith@huschblackwell.com>; James.Lockett@hklaw.com; Schnarre, Alex <Alex.Schnarre@huschblackwell.com>; Ogletree, Christiana <Christiana.Ogletree@huschblackwell.com>; Herrmann, Christine <Christine.Herrmann@huschblackwell.com>; Barrios, Brittany <Brittany.Barrios@huschblackwell.com>; Missey, Cindy <Cindy.Missey@huschblackwell.com>; LoBiondo, George (x2008) <globiondo@pbwt.com>; Long, Julia (x2878) <jlong@pbwt.com>; Suri, Saniya (x2226) <ssuri@pbwt.com>; ~jgreenbaum@sillscummis.com <jgreenbaum@sillscummis.com>; Aine Carolan <acarolan@selendygay.com>

Subject: RE: JJHCS/SaveOn - Motion to Seal ESI and Accredo Answers

[EXTERNAL EMAIL]

Kate, Sarah, Mark,

Thank you for the time yesterday to discuss JJHCS's anticipated motion to seal paragraph 131 of ESI and Accredo's answers. Because you did not seem to know the source of the information in this paragraph, we are passing along the attached document (see slide 8). As you can see, the document is a draft presentation produced in discovery with the "Attorneys' Eyes Only" designation.

Given the AEO and highly sensitive nature of this information, we ask that you reconsider your position on sealing of paragraph 131 in each Answer, to eliminate the need for motion practice on this limited issue. If ESI and Accredo maintain their opposition to sealing, please explain why. As you know, JJHCS's motion to seal is due on next Wednesday, December 4, so please let us know your final position by Friday, November 29.

In addition, as you know, the Discovery and Confidentiality Order prohibits the sharing of information designated Attorney's Eyes Only with the parties, except for limited in-house counsel who have been previously disclosed. We do not believe that ESI and Accredo have previously disclosed any such attorneys in this matter. Accordingly, please confirm that the information in paragraph 131 of ESI and Accredo's answers was never shared with anyone at ESI and Accredo, either in the course of their review of the draft answers or otherwise.

Best,
Emma

Emma Guido Brill

She | Her | Hers

Patterson Belknap Webb & Tyler LLP

T: 212.336.2272

ebrill@pbwt.com

From: Katherine Lieb <klieb@sillscummis.com>

Sent: Tuesday, November 26, 2024 3:50 PM

To: Ledden, Kate <Kate.Ledden@huschblackwell.com>; ~mberman@hdrbb.com <mberman@hdrbb.com>

Cc: Sternberg, Jeremy M (BOS - X71476) <Jeremy.Sternberg@hklaw.com>; Andrew.Solinger@hklaw.com; Robey-Phillips, Emily (BOS - X71466) <Emily.Robey-Phillips@hklaw.com>; Krithika.Rajkumar@hklaw.com; Hellmann, Sarah <Sarah.Hellmann@huschblackwell.com>; Smith, Chris <Chris.Smith@huschblackwell.com>; James.Lockett@hklaw.com; Schnarre, Alex <Alex.Schnarre@huschblackwell.com>; Ogletree, Christiana <Christiana.Ogletree@huschblackwell.com>; ~Christine.Herrmann@huschblackwell.com <Christine.Herrmann@huschblackwell.com>; Barrios, Brittany <Brittany.Barrios@huschblackwell.com>; Missey, Cindy <Cindy.Missey@huschblackwell.com>; LoBiondo, George (x2008) <globiondo@pbwt.com>; Long, Julia (x2878) <jlong@pbwt.com>; Brill, Emma (x2272) <ebrill@pbwt.com>; Suri, Saniya (x2226) <ssuri@pbwt.com>; ~jgreenbaum@sillscummis.com <jgreenbaum@sillscummis.com>; Aine Carolan <acarolan@selendygay.com>

Subject: RE: JJHCS/SaveOn - Motion to Seal ESI and Accredo Answers

External: Think before you click.

Thanks, Kate. We will send these to Judge Wolfson shortly. We hope you have a happy Thanksgiving too.

From: Ledden, Kate <Kate.Ledden@huschblackwell.com>

Sent: Tuesday, November 26, 2024 11:03 AM

To: Katherine Lieb <klieb@sillscummis.com>; Mark A. Berman <mberman@hdrbb.com>

Cc: Sternberg, Jeremy M (BOS - X71476) <Jeremy.Sternberg@hklaw.com>; Andrew.Solinger@hklaw.com; Robey-Phillips, Emily (BOS - X71466) <Emily.Robey-Phillips@hklaw.com>; Krithika.Rajkumar@hklaw.com; Hellmann, Sarah <Sarah.Hellmann@huschblackwell.com>; Smith, Chris <Chris.Smith@huschblackwell.com>; James.Lockett@hklaw.com; Schnarre, Alex <Alex.Schnarre@huschblackwell.com>; Ogletree, Christiana <Christiana.Ogletree@huschblackwell.com>; Herrmann, Christine <Christine.Herrmann@huschblackwell.com>; Barrios, Brittany <Brittany.Barrios@huschblackwell.com>; Missey, Cindy <Cindy.Missey@huschblackwell.com>; LoBiondo, George

(x2008) <globiondo@pbwt.com>; Long, Julia (x2878) <jlong@pbwt.com>; Brill, Emma (x2272) <ebrill@pbwt.com>; Suri, Saniya (x2226) <ssuri@pbwt.com>; Jeffrey Greenbaum <JGREENBAUM@sillscummis.com>; Aine Carolan <acarolan@selendygay.com>

Subject: RE: JJHCS/SaveOn - Motion to Seal ESI and Accredo Answers

*** External Email ***

Thanks, Kate. Your listed set of procedures is in line with our understanding. There's nothing further from our end.

Have a wonderful Thanksgiving,

Kate

Kate Ledden 

(she/her/hers)

Senior Associate

Direct: 314-480-1719

Kate.Ledden@huschblackwell.com

From: Katherine Lieb <klieb@sillscummis.com>

Sent: Monday, November 25, 2024 4:32 PM

To: Ledden, Kate <Kate.Ledden@huschblackwell.com>; Mark A. Berman <mberman@hdrbb.com>

Cc: Sternberg, Jeremy M (BOS - X71476) <Jeremy.Sternberg@hklaw.com>; Andrew.Solinger@hklaw.com; Robey-Phillips, Emily (BOS - X71466) <Emily.Robey-Phillips@hklaw.com>; Krithika.Rajkumar@hklaw.com; Hellmann, Sarah <Sarah.Hellmann@huschblackwell.com>; Smith, Chris <Chris.Smith@huschblackwell.com>; James.Lockett@hklaw.com; Schnarre, Alex <Alex.Schnarre@huschblackwell.com>; Ogletree, Christiana <Christiana.Ogletree@huschblackwell.com>; Herrmann, Christine <Christine.Herrmann@huschblackwell.com>; Barrios, Brittany <Brittany.Barrios@huschblackwell.com>; Missey, Cindy <Cindy.Missey@huschblackwell.com>; LoBiondo, George (x2008) <globiondo@pbwt.com>; Long, Julia (x2878) <jlong@pbwt.com>; Brill, Emma (x2272) <ebrill@pbwt.com>; Suri, Saniya (x2226) <ssuri@pbwt.com>; Jeffrey Greenbaum <JGREENBAUM@sillscummis.com>; Aine Carolan <acarolan@selendygay.com>

Subject: RE: JJHCS/SaveOn - Motion to Seal ESI and Accredo Answers

[EXTERNAL EMAIL]

Kate and Mark,

Thanks for the call this morning. Below please find the set of procedures to which we agreed for purposes of the motion to seal ESI's and Accredo's answers:

- In lieu of the default procedures under Local Civil Rule 5.3, JJHCS and ESI/Accredo will submit letter briefs in support of or in opposition to the motion to seal.
- JJHCS shall file its opening letter brief by December 4, 2024, ESI/Accredo shall file its opposition by December 20, 2024, and JJHCS shall file its reply by January 7, 2025.
- The opening and opposition letter briefs are limited to 15 pages of double-spaced text (exclusive of declarations or exhibits), and the reply letter brief is limited to 8 pages of double-spaced text (exclusive of declarations or exhibits).
- Consistent with Local Civil Rule 5.3, the parties shall file the motion papers publicly.

Please let us know if you have anything further; otherwise, we will submit these procedures to Judge Wolfson for approval.

Thanks,
Kate

Katherine M. Lieb
Of Counsel



website | bio | vCard | newsroom | email   

101 Park Avenue, 28th Floor, New York, NY 10178
p (212) 500-1580 | f (212) 643-6500 [map](#)

From: Katherine Lieb

Sent: Friday, November 22, 2024 6:24 PM

To: Ledden, Kate <Kate.Ledden@huschblackwell.com>; Mark A. Berman <mberman@hdrbb.com>

Cc: Sternberg, Jeremy M (BOS - X71476) <Jeremy.Sternberg@hklaw.com>; Andrew.Solinger@hklaw.com; Robey-Phillips, Emily (BOS - X71466) <Emily.Robey-Phillips@hklaw.com>; Krithika.Rajkumar@hklaw.com; Hellmann, Sarah <Sarah.Hellmann@huschblackwell.com>; Smith, Chris <Chris.Smith@huschblackwell.com>; James.Lockett@hklaw.com; Schnarre, Alex <Alex.Schnarre@huschblackwell.com>; Ogletree, Christiana <Christiana.Ogletree@huschblackwell.com>; Herrmann, Christine <Christine.Herrmann@huschblackwell.com>; Barrios, Brittany <Brittany.Barrios@huschblackwell.com>; Missey, Cindy <Cindy.Missey@huschblackwell.com>; LoBiondo, George (x2008) <globiondo@pbwt.com>; Long, Julia (x2878) <jlong@pbwt.com>; Brill, Emma (x2272) <ebrill@pbwt.com>; Suri, Saniya (x2226) <ssuri@pbwt.com>; Jeffrey Greenbaum <JGREENBAUM@sillscummis.com>

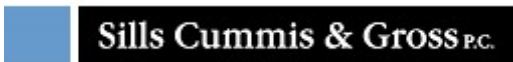
Subject: RE: JJHCS/SaveOn - Motion to Seal ESI and Accredo Answers




Hi Kate,

We have no objections to SaveOn joining on Monday. Our understanding though is that the purpose of this meet and confer is to discuss this specific motion to seal the answers, and not a new set of procedures to govern motions to seal going forward. JJHCS and SaveOn have already filed many joint motions to seal pursuant to Local Rule 5.3 already in this case. If ESI and Accredo want to propose a new procedure, we are willing to listen and consider such a proposal. But at this time, we do not agree that whatever procedures we decide with respect to the specific motion to seal the answers would necessarily govern us with future motions to seal. We can discuss further on Monday, but I wanted to make sure there was no misunderstanding going into the call.

Thanks,
Kate

Katherine M. Lieb
Of Counsel



website | bio | vCard | newsroom | email   

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p (212) 500-1580 | f (212) 643-6500 [map](#)

From: Ledden, Kate <Kate.Ledden@huschblackwell.com>

Sent: Friday, November 22, 2024 5:45 PM

To: Katherine Lieb <klieb@sillscummis.com>; Mark A. Berman <mberman@hdrbb.com>

Cc: Sternberg, Jeremy M (BOS - X71476) <Jeremy.Sternberg@hklaw.com>; Andrew.Solinger@hklaw.com; Robey-Phillips, Emily (BOS - X71466) <Emily.Robey-Phillips@hklaw.com>; Krithika.Rajkumar@hklaw.com; Hellmann, Sarah <Sarah.Hellmann@huschblackwell.com>; Smith, Chris <Chris.Smith@huschblackwell.com>; James.Lockett@hklaw.com; Schnarre, Alex <Alex.Schnarre@huschblackwell.com>; Ogletree, Christiana <Christiana.Ogletree@huschblackwell.com>; Herrmann, Christine <Christine.Herrmann@huschblackwell.com>; Barrios, Brittany <Brittany.Barrios@huschblackwell.com>; Missey, Cindy <Cindy.Missey@huschblackwell.com>; LoBiondo, George (x2008) <globiondo@pbwt.com>; Long, Julia (x2878) <jlong@pbwt.com>; Brill, Emma (x2272) <ebrill@pbwt.com>; Suri, Saniya (x2226) <ssuri@pbwt.com>; Jeffrey Greenbaum <JGREENBAUM@sillscummis.com>

Subject: RE: JJHCS/SaveOn - Motion to Seal ESI and Accredo Answers

*** External Email ***

Kate,

Sounds good. We're going to invite SaveOn to join the discussion considering they'll be impacted by any procedural decisions we make down the road.

Thanks,

Kate Ledden 

(she/her/hers)

Senior Associate

Direct: 314-480-1719

Kate.Ledden@huschblackwell.com

From: Katherine Lieb <klieb@sillscummis.com>

Sent: Friday, November 22, 2024 4:33 PM

To: Ledden, Kate <Kate.Ledden@huschblackwell.com>; Mark A. Berman <mberman@hdrbb.com>

Cc: Sternberg, Jeremy M (BOS - X71476) <Jeremy.Sternberg@hklaw.com>; Andrew.Solinger@hklaw.com; Robey-Phillips, Emily (BOS - X71466) <Emily.Robey-Phillips@hklaw.com>; Krithika.Rajkumar@hklaw.com; Hellmann, Sarah <Sarah.Hellmann@huschblackwell.com>; Smith, Chris <Chris.Smith@huschblackwell.com>; James.Lockett@hklaw.com; Schnarre, Alex <Alex.Schnarre@huschblackwell.com>; Ogletree, Christiana <Christiana.Ogletree@huschblackwell.com>; Herrmann, Christine <Christine.Herrmann@huschblackwell.com>; Barrios, Brittany <Brittany.Barrios@huschblackwell.com>; Missey, Cindy <Cindy.Missey@huschblackwell.com>; LoBiondo, George (x2008) <globiondo@pbwt.com>; Long, Julia (x2878) <jlong@pbwt.com>; Brill, Emma (x2272) <ebrill@pbwt.com>; Suri, Saniya (x2226) <ssuri@pbwt.com>; Jeffrey Greenbaum <JGREENBAUM@sillscummis.com>

Subject: RE: JJHCS/SaveOn - Motion to Seal ESI and Accredo Answers

[EXTERNAL EMAIL]

Kate,

Thank you. Let's do 10am ET on Monday. I will circulate a call-in number.

Have a nice weekend.

Kate

Katherine M. Lieb
Of Counsel



website | bio | vCard | newsroom | email   

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From: Ledden, Kate <Kate.Ledden@huschblackwell.com>
Sent: Friday, November 22, 2024 3:14 PM
To: Katherine Lieb <klieb@sillscummis.com>; Mark A. Berman <mberman@hdrbb.com>
Cc: Sternberg, Jeremy M (BOS - X71476) <Jeremy.Sternberg@hklaw.com>; Andrew.Solinger@hklaw.com; Robey-Phillips, Emily (BOS - X71466) <Emily.Robey-Phillips@hklaw.com>; Krithika.Rajkumar@hklaw.com; Hellmann, Sarah <Sarah.Hellmann@huschblackwell.com>; Smith, Chris <Chris.Smith@huschblackwell.com>; James.Lockett@hklaw.com; Schnarre, Alex <Alex.Schnarre@huschblackwell.com>; Ogletree, Christiana <Christiana.Ogletree@huschblackwell.com>; Herrmann, Christine <Christine.Herrmann@huschblackwell.com>; Barrios, Brittany <Brittany.Barrios@huschblackwell.com>; Missey, Cindy <Cindy.Missey@huschblackwell.com>; LoBiondo, George (x2008) <globiondo@pbwt.com>; Long, Julia (x2878) <jlong@pbwt.com>; Brill, Emma (x2272) <ebrill@pbwt.com>; Suri, Saniya (x2226) <ssuri@pbwt.com>; Jeffrey Greenbaum <JGREENBAUM@sillscummis.com>
Subject: RE: JJHCS/SaveOn - Motion to Seal ESI and Accredo Answers

*** External Email ***

Hi Kate,

Express Scripts and Accredo are available on Monday from 10-11 ET or Tuesday from 1:30-3:30 ET.

Thank you and have a good weekend,

Kate Ledden 
(she/her/hers)

Senior Associate
Direct: 314-480-1719
Kate.Ledden@huschblackwell.com

From: Katherine Lieb <klieb@sillscummis.com>
Sent: Thursday, November 21, 2024 5:21 PM
To: Mark A. Berman <mberman@hdrbb.com>
Cc: Sternberg, Jeremy M (BOS - X71476) <Jeremy.Sternberg@hklaw.com>; Andrew.Solinger@hklaw.com; Robey-Phillips, Emily (BOS - X71466) <Emily.Robey-Phillips@hklaw.com>; Krithika.Rajkumar@hklaw.com; Ledden, Kate

<Kate.Ledden@huschblackwell.com>; Hellmann, Sarah <Sarah.Hellmann@huschblackwell.com>; Smith, Chris <Chris.Smith@huschblackwell.com>; James.Lockett@hklaw.com; Schnarre, Alex <Alex.Schnarre@huschblackwell.com>; Ogletree, Christiana <Christiana.Ogletree@huschblackwell.com>; Herrmann, Christine <Christine.Herrmann@huschblackwell.com>; Barrios, Brittany <Brittany.Barrios@huschblackwell.com>; Missey, Cindy <Cindy.Missey@huschblackwell.com>; LoBiondo, George (x2008) <globiondo@pbwt.com>; Long, Julia (x2878) <jlong@pbwt.com>; Brill, Emma (x2272) <ebrill@pbwt.com>; Suri, Saniya (x2226) <ssuri@pbwt.com>; Jeffrey Greenbaum <JGREENBAUM@sillscummis.com>

Subject: RE: JJHCS/SaveOn - Motion to Seal ESI and Accredo Answers

[EXTERNAL EMAIL]

Mark, thank you. We will submit the extension request shortly. Please let us know if you are available on Monday or Tuesday of next week for the conferral.

Kate

From: Mark A. Berman <mberman@hdrbb.com>

Sent: Thursday, November 21, 2024 6:12 PM

To: Katherine Lieb <klieb@sillscummis.com>

Cc: Sternberg, Jeremy M (BOS - X71476) <Jeremy.Sternberg@hklaw.com>; Andrew.Solinger@hklaw.com; Robey-Phillips, Emily (BOS - X71466) <Emily.Robey-Phillips@hklaw.com>; Krithika.Rajkumar@hklaw.com; Kate.Ledden@huschblackwell.com; Sarah.Hellmann@huschblackwell.com; chris.smith@huschblackwell.com; James.Lockett@hklaw.com; Alex.Schnarre@huschblackwell.com; Christiana.Ogletree@huschblackwell.com; Christine.Herrmann@huschblackwell.com; Brittany.Barrios@huschblackwell.com; Cindy.Missey@huschblackwell.com; LoBiondo, George (x2008) <globiondo@pbwt.com>; Long, Julia (x2878) <jlong@pbwt.com>; Brill, Emma (x2272) <ebrill@pbwt.com>; Suri, Saniya (x2226) <ssuri@pbwt.com>; Jeffrey Greenbaum <JGREENBAUM@sillscummis.com>

Subject: Re: JJHCS/SaveOn - Motion to Seal ESI and Accredo Answers

*** External Email ***

Kate

Jan 7 for reply is good. Additional meet and confer regarding format of briefing makes sense. Confirmed that you will request extension on consent and will inform Judge W.

Mark

From: Katherine Lieb <klieb@sillscummis.com>

Date: Thursday, November 21, 2024 at 17:14

To: Mark A. Berman <mberman@hdrbb.com>

Cc: Sternberg, Jeremy M (BOS - X71476) <Jeremy.Sternberg@hklaw.com>, Andrew.Solinger@hklaw.com <Andrew.Solinger@hklaw.com>, Robey-Phillips, Emily (BOS - X71466) <Emily.Robey-Phillips@hklaw.com>, Krithika.Rajkumar@hklaw.com <Krithika.Rajkumar@hklaw.com>, Kate.Ledden@huschblackwell.com <Kate.Ledden@huschblackwell.com>, Sarah.Hellmann@huschblackwell.com <Sarah.Hellmann@huschblackwell.com>, chris.smith@huschblackwell.com <Chris.Smith@huschblackwell.com>, James.Lockett@hklaw.com

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<Brittany.Barrios@huschblackwell.com>, Cindy.Missey@huschblackwell.com
<Cindy.Missey@huschblackwell.com>, LoBiondo, George (x2008) <globiondo@pbwt.com>, Long, Julia (x2878) <jlong@pbwt.com>, Brill, Emma (x2272) <ebrill@pbwt.com>, Suri, Saniya (x2226) <ssuri@pbwt.com>, Jeffrey Greenbaum <JGREENBAUM@sillscummis.com>

Subject: RE: JJHCS/SaveOn - Motion to Seal ESI and Accredo Answers

Hi Mark,

Thank you for your email. While we do not necessarily agree that Judge Wolfson intended the parties to deviate from the joint motion procedure in the November 11 order, we can nonetheless agree to a more typical briefing procedure for purposes of the motion to seal ESI's and Accredo's answers. With regard to the briefing schedule, we are fine with your proposed opposition date of December 20. We do, however, have several members of our team out for the holidays in December (myself included). We would propose instead that the reply be due on January 7.

If we are deviating from the standard joint motion procedure, I suggest that we continue to meet and confer on the format that our motions will take and submit a joint proposal to Judge Wolfson (for example, I'm not sure if we need an index with individual briefing and we may consider letter briefs versus full motions). In the interim, we will plan to seek the extension to December 4 on consent, and will also let Judge Wolfson know that we are currently conferring on the procedures for same.

And yes, it is my practice to agree to reasonable extension requests and hope the parties can do so going forward.

Thanks,
Kate

From: Mark A. Berman <mberman@hdrbb.com>

Sent: Thursday, November 21, 2024 3:30 PM

To: Katherine Lieb <klieb@sillscummis.com>

Cc: Sternberg, Jeremy M (BOS - X71476) <Jeremy.Sternberg@hklaw.com>; Andrew.Solinger@hklaw.com; Robey-Phillips, Emily (BOS - X71466) <Emily.Robey-Phillips@hklaw.com>; Krithika.Rajkumar@hklaw.com;

Kate.Ledden@huschblackwell.com; Sarah.Hellmann@huschblackwell.com; chris.smith@huschblackwell.com;

James.Lockett@hklaw.com; Alex.Schnarre@huschblackwell.com; Christiana.Ogletree@huschblackwell.com;

Christine.Herrmann@huschblackwell.com; Brittany.Barrios@huschblackwell.com; Cindy.Missey@huschblackwell.com;

LoBiondo, George (x2008) <globiondo@pbwt.com>; Long, Julia (x2878) <jlong@pbwt.com>; Brill, Emma (x2272)

<ebrill@pbwt.com>; Suri, Saniya (x2226) <ssuri@pbwt.com>; Jeffrey Greenbaum <JGREENBAUM@sillscummis.com>

Subject: Re: JJHCS/SaveOn - Motion to Seal ESI and Accredo Answers

*** External Email ***

Hey Kate

As I explained when we spoke by telephone, it remains our reading of Local Rule 5.3 that it is JJHCS's responsibility to file its own motion to seal, as we will not be joining in it and will file an opposition. Given our

recent interaction with Judge Wolfson (and her subsequent order), it appears that Judge Wolfson anticipated any opposed motions to seal would be filed separately by JJHCS. See, e.g., Judge Wolfson's November 11, 2024 Letter Order ("Plaintiff seeks to modify the briefing schedule for two anticipated motions: ... (2) *Plaintiff's* motion to seal..."). In any event, I don't see how we can fully articulate our objection to your motion without first seeing and considering your motion. The Local Rule is poorly written and somewhat unclear but this is the interpretation that makes sense to me.

Nonetheless, because I don't want you to feel jammed up, Express Scripts and Accredo will consent to the requested December 4th extension of time for you to file your motion to seal if JJHCS agrees to set a response deadline of December 20th and a reply deadline, if any, of December 31st (to account for the Christmas holiday). We also will provide you with a general basis for our objection for your index once you give us a copy of the index you intend to file to afford us the opportunity to appropriately but briefly respond.

I hope this courtesy will be reciprocated when the time comes that I need additional time!

Mark

From: Katherine Lieb <klieb@sillscummis.com>
Date: Thursday, November 21, 2024 at 12:11
To: Mark A. Berman <mberman@hdrbb.com>
Cc: Sternberg, Jeremy M (BOS - X71476) <Jeremy.Sternberg@hklaw.com>, Andrew.Solinger@hklaw.com <Andrew.Solinger@hklaw.com>, Robey-Phillips, Emily (BOS - X71466) <Emily.Robey-Phillips@hklaw.com>, Krithika.Rajkumar@hklaw.com <Krithika.Rajkumar@hklaw.com>, Kate.Ledden@huschblackwell.com <Kate.Ledden@huschblackwell.com>, Sarah.Hellmann@huschblackwell.com <Sarah.Hellmann@huschblackwell.com>, chris.smith@huschblackwell.com <Chris.Smith@huschblackwell.com>, James.Lockett@hklaw.com <James.Lockett@hklaw.com>, Alex.Schnarre@huschblackwell.com <Alex.Schnarre@huschblackwell.com>, Christiana.Ogletree@huschblackwell.com <Christiana.Ogletree@huschblackwell.com>, Christine.Herrmann@huschblackwell.com <Christine.Herrmann@huschblackwell.com>, Brittany.Barrios@huschblackwell.com <Brittany.Barrios@huschblackwell.com>, Cindy.Missey@huschblackwell.com <Cindy.Missey@huschblackwell.com>, LoBiondo, George (x2008) <globiondo@pbwt.com>, Long, Julia (x2878) <jlong@pbwt.com>, Brill, Emma (x2272) <ebrill@pbwt.com>, Suri, Saniya (x2226) <ssuri@pbwt.com>, Jeffrey Greenbaum <JGREENBAUM@sillscummis.com>
Subject: RE: JJHCS/SaveOn - Motion to Seal ESI and Accredo Answers

Mark,

I wanted to follow-up on the below in light of today's deadline for the joint motion to seal. If your team is not available to meet and confer today, we suggest that we jointly seek an extension until December 4 to file the sealing request and set up another time in the next few days to discuss the procedural issues.

Thanks,
Kate

From: Katherine Lieb

Sent: Wednesday, November 20, 2024 9:52 PM

To: Mark A. Berman <mberman@hdrbb.com>

Cc: Sternberg, Jeremy M (BOS - X71476) <Jeremy.Sternberg@hklaw.com>; Andrew.Solinger@hklaw.com; Robey-Phillips, Emily (BOS - X71466) <Emily.Robey-Phillips@hklaw.com>; Krithika.Rajkumar@hklaw.com; Kate.Ledden@huschblackwell.com; Sarah.Hellmann@huschblackwell.com; chris.smith@huschblackwell.com; James.Lockett@hklaw.com; Alex.Schnarre@huschblackwell.com; Christiana.Ogletree@huschblackwell.com; Christine.Herrmann@huschblackwell.com; Brittany.Barrios@huschblackwell.com; Cindy.Missey@huschblackwell.com; LoBiondo, George (x2008) <globiondo@pbwt.com>; Long, Julia (x2878) <jlong@pbwt.com>; Brill, Emma (x2272) <ebrill@pbwt.com>; Suri, Saniya (x2226) <ssuri@pbwt.com>; Jeffrey Greenbaum <JGREENBAUM@sillscummis.com>

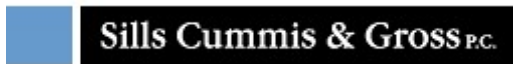
Subject: RE: JJHCS/SaveOn - Motion to Seal ESI and Accredo Answers




Mark (and copying your full team per your request),

Would you or your team have time tomorrow to discuss the motion to seal? As the local rules require a joint submission on the motion to seal (currently due tomorrow), we think it would be beneficial to jointly seek a short extension of tomorrow's deadline and also discuss whether we can agree to an alternative procedure for this particular motion to seal.

Thanks,
Kate

Katherine M. Lieb
Of Counsel



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p (212) 500-1580 | f (212) 643-6500 [map](#)

From: Mark A. Berman <mberman@hdrbb.com>

Sent: Wednesday, November 20, 2024 5:40 PM

To: Katherine Lieb <klieb@sillscummis.com>

Subject: Re: JJHCS/SaveOn - Motion to Seal ESI and Accredo Answers

***** External Email *****

Katherine

My clients are not willing to consent to sealing any part of the answers.

I again apologize for the delayed response. I will do better in the future. You can continue to just copy me or the larger team, whatever you think will be most efficient.

Mark

From: Katherine Lieb <klieb@sillscummis.com>
Date: Wednesday, November 20, 2024 at 15:56
To: Mark A. Berman <mberman@hdrbb.com>
Subject: RE: JJHCS/SaveOn - Motion to Seal ESI and Accredo Answers

Thank you, Mark.

From: Mark A. Berman <mberman@hdrbb.com>
Sent: Wednesday, November 20, 2024 3:56 PM
To: Katherine Lieb <klieb@sillscummis.com>
Subject: Re: JJHCS/SaveOn - Motion to Seal ESI and Accredo Answers

*** External Email ***

Hey Katherine

Apologies, I missed your email yesterday - getting you an answer ASAP

Mark

From: Katherine Lieb <klieb@sillscummis.com>
Date: Wednesday, November 20, 2024 at 15:08
To: Mark A. Berman <mberman@hdrbb.com>
Cc: Wohlforth, E. Evans <EWohlforth@rc.com>, Galli, Sabrina M. <SGalli@rc.com>, Jeffrey Greenbaum <JGREENBAUM@sillscummis.com>
Subject: RE: JJHCS/SaveOn - Motion to Seal ESI and Accredo Answers

Hi Mark, checking in on the below in light of tomorrow's deadline. Do you have an idea of when we can expect a response?

Thanks,
Kate

From: Katherine Lieb
Sent: Tuesday, November 19, 2024 1:09 PM
To: Mark A. Berman <mberman@hdrbb.com>
Cc: Wohlforth, E. Evans <EWohlforth@rc.com>; Galli, Sabrina M. <SGalli@rc.com>; Jeffrey Greenbaum <JGREENBAUM@sillscummis.com>
Subject: JJHCS/SaveOn - Motion to Seal ESI and Accredo Answers

Mark,

As you may be aware, the deadline for moving to seal ESI's and Accredo's answers is this Thursday, November 21. JJHCS is proposing a single redaction to paragraph 131 of the Affirmative Defenses, which is set forth in the attached. Please let us know if ESI and Accredo have any objections to this redaction or if we can submit the motion to seal on consent.

For your reference, JJHCS and SaveOn have typically been handling correspondence about our various motions to seal among NJ counsel (which is why I did not copy your full team). We can add others from your team to this correspondence if you prefer, but I think we've found it easier to keep the group small to avoid more mass emails to such a large group.

Thanks,
Kate

Katherine M. Lieb
Of Counsel



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